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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09-723,098	11-27-2000	Modasser El-Shoubary	13093	5348

7590 06-05-2003

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EXAMINER

YOON, TAE H

ART UNIT

PAPER NUMBER

1714

DATE MAILED: 06-05-2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILED DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

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DATE MAILED:

Below is a communication from the EXAMINER in charge of this application
COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 707.07(f)), the period for reply expires on the mailing date of this Advisory Action. OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____ Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search. (see NOTE below);
 - (b) ☐ they raise the issue of new matter. (see NOTE below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE:

4. ☐ Applicant's reply has overcome the following rejection(s): _____
5. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
6. ☒ The a) ☒ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
- Claim(s) allowed: _____
 - Claim(s) objected to: _____
 - Claim(s) rejected: 6P-95
 - Claim(s) withdrawn from consideration: _____
9. ☐ The proposed drawing correction filed on _____ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 17
11. ☐ Other: _____

TAE H. YOON
LEAD EXAMINER

Art Unit: 1714

ATTACHMENT TO ADVISORY ACTION

Applicant's response with declaration has been considered, but found non-persuasive since said declaration is based on applicant's own opinion, not on the actual showing. Besides, the instant claims recite "a polymer matrix composition for plastics applications consisting essentially of----" without any property limitation, and said plastics applications encompass paint and coating compositions of the cited art as pointed out by the examiner absent further limitation and the intended use, plastics applications, has no probative value either. Said paint and coating compositions form a plastic film also. Even though the instant examples do not use solvents, the invention is not limited to working examples, and the instant invention does not keep one from using a solvent.

Therefore, the rejection of claims 68 and 71-77 based on DE 1234234 is maintained.

The rejection of claims 68-77, 92 and 94 based on DE 1234234 in view of Stramel (US 5,397,391) is maintained. Note that McClain is withdrawn since applicant's argument regarding an aqueous solvent is persuasive. Contrary to applicant's assertion, Stramel teaches coatings and paints at col. 2, lines 49-51 as pointed out by the examiner and thus a combination of the cited art is a proper.

The rejection of claims 68, 71-78, 81-87 and 90 based on Menovcik et al is maintained. Contrary to applicant's assertion, Menovcik et al clearly state "The pigment is treated with the pigment treatemtn composition, by means of spraying, ---- pigment dipersion. A coating

Art Unit: 1714

compositon may be formed by adding a treated pigment, ----" at col. 1, lines 52-59 as pointed out by the examiner. Thus, applicant's statement and declaration asserting a dispersant, not a treatment has little probative value.

The rejection of claims 68-95 based on Menovcik et al (US 5,876,493) in view of McClain (US 4,287,333), Stramel (US 5,397,391), Yaginuma et al (US 3,920,769) or Orth-Gerber et al (US 6,340,387) is maintained as the reason given above and of the record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (703) 308-2389. The examiner can normally be reached on Monday to Thursday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

THY/June 5, 2003


TAE H. YOON
PRIMARY EXAMINER